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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,005	12/23/2005	Antoine Gauriat	Q91508	1098

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
KRUER, KEVIN R	
ART UNIT	PAPER NUMBER
1794	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,005	GAURIAT ET AL.	
	Examiner	Art Unit	
	KEVIN R. KRUER	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. The rejection of claim 24 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been overcome by amendment.

Claim Rejections - 35 USC § 112

2. The rejection of claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been overcome by amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 4-14 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US 4,690,856) in view of Ohmae et al (US 5,047,479) and Saito et al (US 4,429,076).

Ito teaches a laminate comprising two metal sheets adhered together with a polyamide composition (abstract). The composition may comprise 50-99.5wt% of a polyamide, and 0.5-50wt% of a modified polyolefin formed by grafting a polyolefin with

an unsaturated compound including carboxylic acids and a derivative thereof such as maleic acid anhydride (col 3, lines 1+). The metal may comprise aluminum (col 5, lines 25+) and may be different. The polyamide is a nylon 6 (col 2, lines 23+). The olefin may be polyethylene or a non-linear ethylene (col 2, lines 51+). With regards to claim 14, polyamide is considered to be the continuous stage since it comprises the majority of the composition. The laminate may further comprise a resin layer between two adhesive layers (col 5, lines 38+). With regards to claim 19, Ito teaches additives may be included in the adhesive (col 5, lines 6+). Thus, it would have been obvious to the skilled artisan to add a fire retardant to the composition because such additives are commonly used in such adhesives in order to improve fire resistance. With regards to claims 21-23, Ito teaches said method limitations (col 5, lines 60+).

Ito does not teach the adhesive should comprise an epoxy compound. However, Ohmae teaches a thermoplastic resin composition which is obtained from melt kneading 60-97 pbw polyamide, 3-40pbw ethylene copolymer comprising 40-90wt% ethylene and 5-60wt% unsaturated carboxylate unit, and 0.3-10wt% of maleic anhydride unit, and © 0.1-20pbw of a polyfunctional compound having at least two functional groups having reactivity to a carboxyl group, a carboxylic acid anhydride group or an amino group to effect partial crosslinking (abstract). Said polyfunctional compound may be a glycidyl bisphenol (col 4, lines 40+) and improves the heat resistance, impact resistance, and mechanical properties of the composition. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 0.1-20wt% glycidyl bisphenol A to the composition taught in Ito. The motivation for doing so would have

been to improve the heat resistance, impact resistance, and mechanical properties of the composition. Herein, the epoxy compound is understood to read on the claimed reactive compound.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US 4,690,856) in view of Ohmae et al (US 5,047,479) and Saito et al (US 4,429,076), as applied to claims 1, 2, 4-14 and 17-23, and further in view of applicant's admissions.

Ito teaches the metal sheets may be different but does not admit they may have different surface dimensions. However, Applicant admits laminates wherein the sheets have different surface dimensions are known in the art and called patchwork sheets (see page 4 of the specification). Thus, it would have been obvious to utilize sheets with different surface dimensions in the laminate taught in Ito. The motivation for doing so would have been so the sheet had utility as a patchwork sheet.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US 4,690,856) in view of Ohmae et al (US 5,047,479), as applied above to claims 1-14 and 17-23, and further in view of Saito et al (US 4,429,076).

Ito in view of Ohmae is relied upon as above, but does not teach the adhesive may comprise a styrene maleic anhydride polymer. However, Saito teaches an adhesive (col 16, line 62) which comprises polyamide, a carboxylic acid modified polyolefin (abstract) and 1-50pbw or styrene maleic anhydride copolymer to improve processability (col 15, lines 37+). Thus, it would have been obvious to the skilled artisan to add 1-50pbw styrene maleic anhydride to the composition taught in Ohmae in order to improve processability.

Response to Argument

Applicant's arguments filed December 24, 2008 have been fully considered but are not persuasive.

Applicant argues that the use of epoxy resin as a poly-functional compound as taught in Ohmae is taught among many other compounds. Said argument is noted but is not persuasive because Ohmae clearly motivates the skilled artisan to add a polyfunctional compound to the composition of Ito. The selection of a specific compound is obvious based on the holding in *KSR* that it is obvious to choose from a finite number of indentified, predictable solutions. The selection of epoxy resins is further supported by the holding in *KSR* that its is obvious to apply a known technique to a known article ready for improvement to yield a predictable result and that it is obvious to use a known technique to improve a similar product in the same way.

Applicant further argues Ohmae teaches that a minimum amount of polyfunctional compound should be added in order to improve the mechanical properties of the composition but does not teach the adhesive properties of the composition may be improved. In contrast, applicant argues the present invention uses the reactive copolymer in order to improve adhesion properties. Said argument is noted but is not persuasive because the examiner's motivation for combining references need not be the same as applicant's motivation. With respect to any argument based on unexpected improvements in adhesion, the examiner notes that said argument has not been supported by evidence.

With respect to Saito, applicant argues the modified copolymer of Saito furthermore comprises a vinyl compound and therefore does not read on the copolymer of ethylene as claimed. Said argument is not persuasive because the examiner does not rely upon Saito's component (a) to read on any of the claimed elements. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, applicant argues styrene maleic anhydride copolymers are listed among a Markush group of possible additive and thus the skilled artisan is not motivated to specifically choose the claimed copolymer from the list disclosed. The examiner respectfully disagrees. The selection of a specific compound is obvious based on the holding in *KSR* that it is obvious to choose from a finite number of indentified, predictable solutions. The selection of styrene maleic anhydride is further supported by the holding in *KSR* that its is obvious to apply a known technique to a known device ready for improvement to yield a predictable result and that it is obvious to use a known technique to improve a similar product in the same way.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Kruer/
Primary Examiner, Art Unit 1794